

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

**MARY BLOODSWORTH and
JERRY BLOODSWORTH,**

Plaintiffs,

v.

**SMITH & NEPHEW, INC.,
et al.,**

Defendants.

CASE NUMBER:

2:05cv622-d

REPORT OF THE PARTIES' PLANNING MEETING

Pursuant to Fed. R. Civ. P. 26(f) and local Rule 26.1, a meeting was held on September 22, 2005, between:

Mike Bradley for Tom Dutton, representing Plaintiffs, Mary Bloodsworth and Jerry Bloodsworth; and

James C. Barton, Jr., attorney for Defendant Smith & Nephew, Inc.

1. Pre-Discovery Disclosures. The parties will exchange by December 22, 2005, the information required by Rule 26(a)(1) and Local Rule 26.1(a)(1).
2. Discovery Plan. The parties jointly propose to the court the following discovery plan:

Discovery will be needed on the following subjects:
Allegations of the plaintiffs' complaint; plaintiff's medical treatment; plaintiffs' alleged damages; defendant's defenses. This is a personal injury/product liability case involving a complex medical device manufactured by the defendant.

All discovery will be commenced in time to be completed by September 1, 2006.

Maximum of 25 interrogatories, including subparts, by each party to any other party. Responses due 30 days after service.

Maximum of 15 requests for admissions, including sub-parts, by each party to any other party. Responses due 30 days after service.

Maximum of 45 requests for production, including subparts, by each party to any other party. Responses due 30 days after service.

Maximum of ten depositions by each party.

Reports from retained experts under Rule 26(a)(2) due:

from plaintiffs by May 11, 2006

from defendant by July 7, 2006.

Supplementation under Rule 26(e) due within 30 days of knowledge of the need to supplement.

3. Other Items:

The parties do not request a conference with the court before the entry of the scheduling order.

The parties request a pretrial conference on October 23, 2006.

Plaintiffs should be allowed until December 16, 2005, to join additional parties and amend the pleadings.

Defendant should be allowed until January 20, 2006, to join additional parties and amend the pleadings.

All potentially dispositive motions must be filed by September 18, 2006.

Settlement cannot be realistically evaluated until some discovery has been completed and may be enhanced by mediation at a later date.

Final lists of witnesses and exhibits under Rule 26(a)(3) should be due 30 days before trial.

Parties have 14 days after service of final lists of witnesses and exhibits to list objections under Rule 26(a)(3).

This case should be ready for trial by December 4, 2006, and at this time is expected to take approximately five days.

/s/ Tom Dutton

Tom Dutton ASB-2059-U50T

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